

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

PHILLIP ALEXANDER STEED

PLAINTIFF

v.

Civil No. 07-5058

CORPORAL TOMLAN, ET AL.

DEFENDANTS

**O R D E R**

NOW on this 5th day of March 2009, comes on for consideration the **Report and Recommendation of the Magistrate Judge** (document #23), filed on February 12, 2009, and the Court, being well and sufficiently advised that there has been no objection thereto, finds that the Report and Recommendation should be, and it hereby is, adopted *in toto*.

**IT IS THEREFORE ORDERED** that, for the reasons set forth therein, the **Report and Recommendation of the Magistrate Judge** is adopted *in toto*. Accordingly, Defendants' Motion for Summary Judgment (document #18) is hereby **granted in part** and **denied in part**. The motion is denied as to Plaintiff's claims against Defendant Tomlan for excessive force and against Defendants Tomlan and Bird for denial of medical care. The motion is granted as to all other claims.

**IT IS FURTHER ORDERED** that this matter is referred back to the Magistrate Judge for further disposition of Plaintiff's remaining excessive force and denial of medical care claims.

**IT IS SO ORDERED.**

**/s/ Jimm Larry Hendren**  
**JIMM LARRY HENDREN**  
**UNITED STATES DISTRICT JUDGE**